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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,008	10/11/2005	Yuka Matsushita	2005_1584A	1283
52349 7590 12/07/2007 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER DAGLAWI, AMAR A	
			ART UNIT 2618	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,008	Applicant(s) MATSUSHITA ET AL.	
	Examiner Amar Daglawi	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/11/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (EP 1 413 979 A1) in view of Hasegawa (US 2004/0072592 A1).

5. With respect to claim 1, Suzuki discloses a wireless communications terminal capable of performing a contactless communications and at least one wireless communications (par [0015;0017]), Comprising :

6. a first wireless communications section operable to perform a wireless communications other than a contactless communication (par [0019;0027], fig.1,12)

7. a second wireless communications section operable to perform a contact less communications (par [0019;0027]);

8. However, Suzuki fails to explicitly teach a wireless communications control section operable to restrict a wireless communications performed by the first wireless communications section based on a status of a contactless communications performed by the second wireless communications section which is taught in the related art by Hasegawa (US 2004/0072592 A1)(See Fig.1(14, 15, 16), par [0036;0040], par [0054], Fig.5)

9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of the cellular phone 41 in Fig.1 as taught by Suzuki to incorporate the control unit 14 as taught by Hasegawa so as to upon reception of a mode on/off information from the contactless card it performs the on/off switch of the "restricted place mode" as further illustrated in Fig.5.

10. With respect to claim 2, Suzuki as modified by Hasegawa further teaches the wireless communications control section starts restricting a wireless communications performed by the first wireless communications section by the second wireless communications section (Hasegawa, par[0036;0040], Fig.5, par [0054], Fig.1, 14, 15, 16).

11. With respect to claim 3, Suzuki as modified by Hasegawa further teaches the wireless communications control section deactivates or temporarily deactivates a wireless communications function of the first wireless communications function of the first wireless communications section based on a security level of information exchanged in a contactless communications performed by the second wireless communications section (Hasegawa, par [0035;0042] [the security of information is exchanged is based on a ticket reserved for a flight, movie theatre, train].

12. With respect to claim 4, Suzuki as modified by Hasegawa further teaches the wireless communication control section varies stepwise an output radio wave intensity in a wireless communications performed by the first wireless communications section according to a security level of information exchanged in a contactless communication performed by the second wireless communications section (par [0036;0041], Fig.5, par [0054], Fig.1, 14, 15, 16) [since the control unit based on the mode on/off information received from the reader/writer it sets the mobile terminal in restricted place mode or it releases it from the mode as in Fig.5, it is therefore, inherently taught that the output of the radio wave intensity is varied in stepwise fashion]

With respect to claim 5, Suzuki as modified by Hasegawa further teaches the second wireless communications section performs a contactless communications between a semiconductor memory card inserted in the wireless communications terminal and a predetermined reader/writer (Hasegawa, Fig. 3, par [0025;0028], par [0036;0041]); and the wireless communications control section determines the security level of information based on a security level of a memory management area, in the semiconductor memory card, storing the information exchanged in a contactless communications performed by the second wireless communications section (Hasegawa, par [0035;0042]).

With respect to claim 6, Suzuki as modified by Hasegawa further teaches the memory management area in the semiconductor memory card includes at least one of a TRM area, secure flash area and a general area (par [0035; 0041]) [it is inherently taught since since a reader/writer makes authentication check on the a ticket information that might be for a flight which requires a higher security level or a movie theatre].

With respect to claim 7, Suzuki as modified by Hasegawa further teaches a timer section operable to detect an elapse of a predetermined amount of time since an initiation of a contactless communications wherein the wireless communications control section lifts the restriction on the first wireless communications section based on the detection of an elapse of predetermined time by the timer section (par [0035; 0042]) [a timer is inherently taught since the since the control unit based on the mode on/off information received from the

reader/writer sets the mobile terminal in restricted place mode or it releases it from the mode as in Fig.5].

With respect to claim 8, Suzuki as modified by Hasegawa further teaches the wireless communications control section starts restricting a wireless communications performed by the first wireless communications section based on an instruction from a user (par [0035;0037]).

With respect to claim 9, Suzuki as modified by Hasegawa further teaches the wireless communications control section deactivates or temporarily deactivates a wireless communications function of the first wireless communications section based on an instruction from a user (par [0035;0037]).

With respect to claim 10, Suzuki as modified by Hasegawa further teaches a second wireless communications control section operable to restrict a contactless communications performed by the second wireless communications section based on an instruction from the user (par [0035; 0037]) [a user of a mobile terminal can deactivate a contactless communications by not making it run over a reader/writer].

With respect to claim 11, Suzuki as modified by Hasegawa further teaches based on an instruction from the user, the wireless communications control section also restricts a contactless communications performed by the second wireless communications section in such a manner that either one of the contactless communications and the wireless communications is restricted at

a time (par [0035; 0037]) [a user of a mobile terminal can deactivate a contactless communications by not making it run over a reader/writer].

With respect to claim 12, Suzuki as modified by Hasegawa further teaches a timer section operable to detect an elapse of a predetermined amount of time since an initiation of a contactless communications, wherein the wireless communications control section lifts the restriction on the first wireless communications section based on the detection of an elapse of the predetermined time by the timer section (par [0035; 0042]) [a timer is inherently taught since the control unit based on the mode on/off information received from the reader/writer sets the mobile terminal in restricted place mode or it releases it from the mode as in Fig.5].

With respect to claim 13, Suzuki discloses a communications protocol switching method used by a wireless communications terminal comprising: wireless communications terminal comprising a first wireless communications section for performing at least one wireless communications other than a contactless communications, and a second wireless communications section for performing a contactless communications (par [0015;0017],par [0019;0027], fig.1, 12), the method comprising the steps of:

13. However, Suzuki fails to explicitly teach determining a status of the contactless communications performed by the second wireless communications section and restricting the wireless communications performed by the first

wireless communications section based on the status of the contactless communications which is taught in the related art by Hasegawa (US 2004/0072592 A1)(See Fig. 1, 14, 15, 16, par [0036;0040], par [0054], Fig. 5)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of the cellular phone 41 in Fig. 1 as taught by Suzuki to incorporate the control unit 14 as taught by Hasegawa so as to upon reception of a mode on/off information from the contactless card it performs the on/off switch of the "restricted place mode" as in Fig. 5.

With respect to claim 14, Suzuki discloses a communications protocol switching program used by a wireless communications terminal comprising:

wireless communications terminal comprising a first wireless communications section for performing at least one wireless communications other than a contactless communications, and a second wireless communications section for performing a contactless communications (par [0015;0017], par [0019;0027], fig. 1, 12), the method comprising the steps of:

14. However, Suzuki fails to explicitly teach determining a status of the contactless communications performed by the second wireless communications section and restricting the wireless communications performed by the first wireless communications section based on the status of the contactless

communications which is taught in the related art by Hasegawa (US 2004/0072592 A1)(See Fig.1, 14, 15, 16, par [0036;0040], par [0054], Fig.5)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of the cellular phone 41 in Fig.1 as taught by Suzuki to incorporate the control unit 14 as taught by Hasegawa so as to upon reception of a mode on/off information from the contactless card it performs the on/off switch of the "restricted place mode" as in Fig.5.

With respect to claim 15, Suzuki discloses an integrated circuit used in a wireless communications terminal capable of performing a contactless communications and at least one wireless communications wherein:

the wireless communications terminal comprising a first wireless communications section for performing a wireless communications other than a contactless communications, and a second wireless communications section for performing a contactless communications (par [0015;0017], par [0019, par [0027], fig.1, 12);

15. However, Suzuki fails to teach the integrated circuit includes a circuit functioning as a wireless communications control section operable to restrict a wireless communications performed by the first wireless communications section based on a status of a contactless communications performed by the second wireless communications section which is taught in the related art by Hasegawa (US 2004/0072592 A1)(See Fig.1, 14, 15, 16, par [0036;0040], par [0054], Fig.5)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of the cellular phone 41 in Fig.1 as taught by Suzuki to incorporate the control unit 14 as taught by Hasegawa so as to upon reception of a mode on/off information from the contactless card it performs the on/off switch of the "restricted place mode" as in Fig.5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amar Daglawi whose telephone number is 571-270-1221. The examiner can normally be reached on Monday- Friday (7:30 AM- 5:00 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lana N. Le can be reached on 571-272-7891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amar Daglawi



11-26-07

LANA LE
PRIMARY EXAMINER